



Maggie Weems <mmweems@weemslawoffices.com>

Burnell v. Marin Humane Society et al 3:14-cv-5635 (ND Cal)

jonathan.jackson@lw.com <jonathan.jackson@lw.com>

Thu, Sep 24, 2015 at 12:45 PM

To: mmweems@weemslawoffices.com

Cc: Colleen.Rico@lw.com, Thomas.Rickeman@lw.com, Jamie.Sprague@lw.com

Maggie,

Attached please find a zip file containing pdf copies of all cases cited in the MHS Defendants' Reply I/S/O Motion to Dismiss for which the citation refers to either the Lexis or Westlaw database (and which were not already provided in our prior email).

With respect to your previous email, it would be for the Court to decide whether it would accept a sur-reply (see Civil L.R. 7-3(d)), but we do not believe a sur-reply is warranted here in light of (among other things): your failure to raise this issue in response to the MHS Defendants' motion to dismiss the original complaint and reply in support thereof (which cited many of the same cases) or to request a copy of these cases at any point during the 28 days between the filing of the instant Motion to Dismiss and your Opposition; the fact that neither of the cases referenced in your Opposition (*Anderson v. Smith* and *Clemes v. Del Norte*) were cited for a unique proposition of law, and instead were supported by numerous published decisions cited in the brief (to which the Opposition did not substantively respond); and your ability to address these cases at oral argument.

Regards,

—Jon

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Latham & Watkins LLP

Lexis and Westlaw citations.zip

9/29/2015

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